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# ***Public Utilities Commission of the State of California***

## ***Public Agenda 3113***

***Thursday, May 22, 2003 10:00 a.m.***

***San Francisco, California***

### **Commissioners**

**Michael R. Peevey, President**

**Geoffrey F. Brown**

**Susan P. Kennedy**

**Loretta M. Lynch**

**Carl W. Wood**

*For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.*

*Website: <http://www.cpuc.ca.gov>*

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### **Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <b><i>Closed to the Public</i></b>	<i>Commission Meeting</i> Auditorium (10 a.m.) <b><i>Open to the Public</i></b>
Monday, June 02, 2003 (San Francisco)	Thursday, May 22, 2003 (San Francisco )
Monday, June 16, 2003 (San Francisco)	Thursday, June 05, 2003 (San Francisco)
Monday, July 07, 2003 (San Francisco)	Thursday, June 19, 2003 (San Francisco)
Monday, August 18, 2003 (San Francisco)	Thursday, July 10, 2003 (San Francisco)
	Thursday, August 21, 2003 (San Francisco)

*\*Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

### ***Matters of Public Interest***

***For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.***

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## PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
- CA-35

**Public Comment:**

## Consent Agenda

*Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.*

### Orders and Resolutions

- |                      |   |
|----------------------|---|
| <b>CA-1<br/>2003</b> | <b>Res TL-19027</b><br>Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.  |
| <b>CA-2<br/>2004</b> | <b>Res ALJ 176-3113</b><br>Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.   |
| <b>CA-3<br/>1877</b> | <b>R02-08-002 - Order Instituting Rulemaking on the Commission's own motion to examine whether the regulations regarding prearrangement of charter-party transportation contained in General Order 157-C should be revised.</b><br>This Rulemaking is discontinued because the Commission has determined that changes to G.O. 157-C are not needed at this time. This proceeding is closed.<br>(Comr Kennedy - ALJ Rosenthal)<br><i>Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.</i><br>(Agenda 3110, Item CA-11 4/3/2003 (Staff); Agenda 3112, Item CA-3 5/8/2003 (Kennedy))<br><a href="http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143891">http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143891</a> |
| <b>CA-4<br/>1934</b> | <b>Res W-4384 - Kings County Canal Company (KCCC).</b><br>This resolution decertificates KCCC because it is an association exempt from regulation under Pub. Util. Code Section 2705.   |

**CA-5  
1986****A99-12-025 - Valencia Water Company (Valencia).**

For approval of its Updated Water Management Programs as ordered in Commission Resolution W-4254 dated August 5, 1999. The Commission concludes that no good cause has been shown to modify D01-11-048, which approved Valencia's 1999 Water Management Program and authorized certain extensions to its service area. Sierra Club's petition to modify D01-11-048 is denied. This proceeding is closed.

(Comr Brown - ALJ Patrick)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3112, Item CA-5 5/8/2003 (Lynch))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=146816](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=146816)

**CA-6  
2018****A03-02-029 - Southern California Edison Company (Edison).**

This decision confirms re-appointment of William E.B. Siart to the Committee for each of Edison's nuclear decommissioning trust funds. This proceeding is closed.

(Exam Clanon)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3111, Item CA-13 4/17/2003 (Lynch))

**CA-7  
2035****Res W-4390 - California Water Service Company (CWSC), Salinas and Bakersfield Districts.**

This resolution denies the acquisition of three water companies and suspending balancing account advice letter filings pending determination of costs associated with acquired water companies included in balancing accounts effective November 29, 2001. (Advice Letters (AL) 1514 and AL 1515, filed May 7, 2002, and AL 1517, filed June 26, 2002)

(Agenda 3111, Item CA-17 4/17/2003 (Staff))

**CA-8  
2071****A02-05-022 - Pacific Gas and Electric Company (PG&E).**

For authority to establish its authorized rates of return on common equity for electric utility operations and gas distribution for test year 2003. A02-05-025, A02-05-026, A02-05-031 - Related matters.

This decision exempts PG&E from filing a 2004 test year cost of capital application. This proceeding remains open.

(Comr Brown, Comr Peevey - ALJ Galvin)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3112, Item CA-14 5/8/2003 (Lynch))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147890](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147890)

**CA-9  
2080****R01-10-024 - Order Instituting Rulemaking to establish policies and cost recovery mechanism for generation procurement and renewable resource development.**

This decision addresses the Department of Water Resource's (DWR) Petition for Modification of D02-09-053, requesting to reallocate Product D of the Williams contract from San Diego Gas and Electric Company (SDG&E) to Southern California Edison Company (SCE) in light of recent renegotiations. The Commission denies DWR's request. The Commission finds that there are clear disadvantages to the proposed contract reallocation in terms of allocated capacity, energy, residual net short and other factors considered in D02-09-053. The Commission also finds that the economic and reliability enhancements that DWR associates with its proposal can be acquired through contractual arrangements between SCE and SDG&E, as needed.

(Comr Peevey - ALJ Halligan)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=144280](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=144280)

**CA-10  
2081****I02-09-001 - Order Instituting Investigation on the Commission's own motion into the operations and practices of Laurie Rose Nelson-Akst, dba All America Express Moving and Storage, and of All America Express Moving and Storage Services, Inc., and its President, Laurie Rose Nelson-Akst, and Vice-President, Etay Akst.**

This decision revokes respondents household goods carrier permit, imposes fines and other conditions. This proceeding is closed.

(Comr Brown - ALJ Bemserderfer)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*

**CA-11  
2085****A00-04-010 - Platinum Development Company, LLC (Applicant).**

By D00-08-014, the applicant was granted authority to provide limited facilities-based local exchange and interexchange services. The application was left open to address its proposed construction pursuant to the California Environmental Quality Act. This decision denies the applicant's request for approval of its proposed construction for failure to prosecute, and close the application. This proceeding is closed.

(Comr Lynch - ALJ O'Donnell)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=145095](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=145095)

**CA-12  
2086****A01-09-024 - Southern California Gas Company (SoCalGas).**

For authority to revise its rates effective January 1, 2003, in its Biennial Cost Allocation Proceeding (BCAP). A01-10-005 - Related matters. This decision grants the motion of SoCalGas and San Diego Gas & Electric Company (SDG&E) to dismiss the Companies' BCAP, A01-09-024 and A01-10-005. SoCalGas will file a new BCAP application on September 3, 2003, and SDG&E will file its new BCAP application on September 17, 2003. These proceedings are closed.

(Comr Brown - ALJ Brown)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143917](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143917)

**CA-13  
2087****A03-01-023 - Tel West Communications, LLC (Applicant).**

This decision grants the Applicant a certificate of public convenience and necessity to provide limited facilities-based local exchange telecommunications services. This proceeding is closed.

(Comr Kennedy - ALJ O'Donnell)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=142738](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=142738)

**CA-14  
2088****A03-01-014 - Option One Telecom, Inc. (Applicant).**

This decision grants the Applicant a certificate of public convenience and necessity under Pub. Util. Code § 1001 to provide facilities-based and resold local exchange services throughout the service territories of SBC California, Inc., Verizon California, Inc., Roseville Telephone Company, and Citizens Telecommunications Company of California, Inc., and interexchange services throughout the state. This proceeding is closed.

(Comr Kennedy - ALJ Bemmesderfer)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=142926](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=142926)

**CA-15  
2099****R02-06-041 - Order Instituting Rulemaking to require California natural gas and electric utilities to preserve interstate pipeline capacity to California.**

This decision recategorizes this proceeding from quasi-legislative to ratesetting with appropriate ex parte rules for ratesetting now applicable.

(Comr Lynch - ALJ Brown)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

- CA-16  
2100**      **A00-02-048 - Innovative Telecom Corp. (ITC) and Enhanced Global Convergence Services, Inc. (eGCS).**  
This decision authorizes ITC and eGCS to transfer all of ITC's assets to eGCS on a prospective basis. Applicants are fined a total of \$500 for completing the transfer of assets prior to requesting and obtaining Commission authorization to transfer the assets. This proceeding is closed.  
(Comr Wood - ALJ Galvin)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147913](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147913)
- CA-17  
2103**      **A03-03-036 - Catalina Classic Cruises, Inc. (Applicant).**  
This decision authorizes Applicant to extend its non-scheduled vessel common carrier service between points at and within three miles offshore of Avalon, Santa Catalina Island. This proceeding is closed.  
(ALJ Rosenthal)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
(Agenda 3112, Item CA-29 5/8/2003 (Staff))
- CA-18  
2120**      **C00-09-025 - Daniels Cablevision, Inc. and California Cable Television Association vs. San Diego Gas & Electric Company (SDG&E).**  
This decision establishes pole attachment rates that SDG&E may charge to Highland Carlsbad Cablevision, Inc., dba Adelphia, the successor in interest to Daniels Cablevision, Inc. for use of poles in its transmission right-of-way on private land. This proceeding is closed.  
(Comr Wood - ALJ Duda)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=148139](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148139)
- CA-19  
2126**      **Res T-16748**  
This resolution adopts a California Teleconnect Fund program budget of \$34.512 million for fiscal year 2003-04 and maintains the current surcharge rate of 0.0%.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147470](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147470)
- CA-20  
2146**      **Res E-3826 - San Diego Gas & Electric Company (SDG&E).**  
This resolution approves the investment management agreement between SDG&E and UBS Global Asset Management (Americas) Inc. (Advice Letter 1481-E, filed March 27, 2003)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=146918](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=146918)

- CA-21  
2158**      **(ECP) C02-12-045 - Excel Electronics Co., Inc. vs. Pacific Centrex Services.**  
This decision dismisses the complaint at the request of the parties. This proceedings is closed.  
(Comr Brown - ALJ Barnett)
- CA-22  
2159**      **A02-10-008 - Stephen J. Page, Jaime F. Ospina, Placo S.A. and First Jaco Corporation.**  
This decision grants approval under Sections 851 - 854 of the Public Utilities Code of a transaction that will result in a change of control of US Data Highway Corporation (US Data), which is currently authorized to provide resold local exchange services and interexchange telecommunications services in California. The transaction is structured to take effect upon approval by the Commission. The application is unopposed. This proceeding is closed.  
(Comr Peevey - ALJ Evans)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*
- CA-23  
2169**      **A03-01-004 - Jarnail Singh dba A Bay Express Shuttle (Applicant).**  
This decision authorizes the Applicant to operate as a passenger stage corporation between the Counties of San Francisco, Alameda, Contra Costa, Santa Clara, Solano, Marin, and San Mateo and the International Airports of San Francisco, Oakland, and San Jose. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=146944](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=146944)
- CA-24  
2170**      **A03-01-002 - Majid Khazaeian dba Tri Valley Airporter (Applicant).**  
This decision authorizes the Applicant to operate a passenger stage corporation between the Counties of Contra Costa, Alameda, and San Francisco and the International Airports of San Francisco, Oakland, and San Jose. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=146946](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=146946)
- CA-25  
2171**      **A03-01-025 - Gerardo H. Giron Jr. dba E Z Shuttle (Applicant).**  
This decision authorizes the Applicant to operate as a scheduled passenger stage corporation between Paradise Hills and National City. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=146960](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=146960)

**CA-26  
2172**

**A01-08-046 - Barbara Anne Ufland dba Kids Xpress Transportation Service (Applicant).**

This decision authorizes the Applicant to transport children and their baggage as a passenger stage corporation between points in Napa and Solano Counties. This proceeding is closed.

(Exam Clark)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=146943](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=146943)

**CA-27  
2174**

**I00-11-002 - Order Instituting Investigation into the adequacy of the Southern California Gas Company's (SoCalGas) and San Diego Gas & Electric Company's (SDG&E) gas transmission systems to serve the present and future gas requirements of SDG&E's core and noncore customers.**

This decision awards The Utility Reform Network \$47,759.64 for its substantial contribution to D02-11-073. This proceeding is closed.

(Comr Wood - ALJ Brown)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=144855](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=144855)

**CA-28  
2181**

**A03-03-020 - Pacific Gas and Electric Company (PG&E).**

For authority under Pub. Util. Code Section 851 (1) to Quitclaim an existing easement for an Idle 115 KV Transmission Line in advance of Phase One of Pacific Union Ventures' Residential Development Plan (Pacific Union) and (2) to Quitclaim a distribution easement in advance of Phase Two and Phase Three of Pacific Union. This decision grants the application as to existing easements, subject to PG&E representing that ratepayers will not be charged for the associated undergrounding costs. Denies the balance of the application. This proceeding is closed.

(Comr Kennedy - ALJ Bemdesderfer)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147198](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147198)

**CA-29  
2182**

**C00-01-017 - Robert Hambly et al. vs. Hillsboro Properties and City of Novato.**

This decision dismisses, without prejudice to future refiling, the request for intervenor compensation filed by the former counsel for Golden State Mobilehome Owners League. The pleading, itself, asks that the Commission not act until the underlying substantive matter has been fully resolved.

(Comr Brown - ALJ O'Donnell)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*



**CA-30  
(Rev.)  
2187**

**R01-10-024 - Order Instituting Rulemaking to establish policies and cost recovery mechanisms for generation procurement and renewable resource development.**

This decision covers contributions to three separate decisions in the Commission's Procurement Rulemaking R01-10-024. This decision awards \$178,410.72 to TURN for their contribution to D02-08-071, D02-10-062 and the Procurement Review Group process, \$13,915.00 to Consumers Union for their contributions to D02-08-071, D02-10-062, and the Procurement Review Group process, and \$2,271.43 to Aglet for their contribution to D02-12-069. The request for compensation filed by Union of Concerned Scientists will be handled in a separate decision.

(Comr Peevey - ALJ Halligan)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

05/20/2003 - This revision was not shown on the Agenda mailed to the public.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147381](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147381)

**CA-31  
2188**

**R03-03-017 - Order Instituting Rulemaking on the Commission's own motion to re-examine the underlying issues involved in the submetering discount for mobile home parks and to stay D01-08-040.**

I03-03-018, C00-01-017 - Related matters. The category of Rulemaking 03-03-017 and Investigation 03-03-018 was previously set as quasi-legislative. The proceedings could ultimately set rates. Therefore, to avoid confusion, and in the interest of administrative efficiency, the Commission changes the category to ratesetting.

(Comr Brown - ALJ O'Donnell)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

**CA-32  
2189**

**A03-02-019 - Lorrie's Travel & Tours, Inc. (Applicant).**

This decision authorizes Applicant to extend its on-call passenger stage certificate between certain points in San Francisco and San Francisco International Airport. This proceeding is closed.

(Exam Clark)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147423](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147423)

**CA-33  
2191**

**A02-11-046 - Port of Stockton (Port).**

This decision grants the application of Port to construct 2 crossings at Fyffe Avenue, one crossing at Embarcadero Drive, and one crossing at McCloy Avenue, across the Port's railroad tracks in West Port complex in San Joaquin County. This proceeding is closed.

(Exam Clark)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=146345](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=146345)

**CA-34**                    **Res W-4398 - Garberville Water Company (GWC).**  
**2192**                    This resolution authorizes a surcharge for recovery of Unanticipated Repair Cost Memorandum Account expenses producing an annual increase in revenue of \$14,703 or 9.91%.

**CA-35**                    **(ECP) C03-02-030 - Jon T. Freeman (Complainant) vs. Pacific Gas and Electric Company**  
**2193**                    **(PG&E).**

Complainant seeks relief from PG&E's bill for \$497.50 for service provided to an apartment which he shared with Kevin McKie and others. Complainant says he paid his share of the bill to McKie who moved out without paying PG&E. This decision finds that Complainant is separately liable for the unpaid bill. Relief is denied. This proceeding is closed.

(Comr Kennedy - ALJ Patrick)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=146916](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=146916)

**CA-36**                    **A03-01-010 - Tulare County Water Company, Inc. (Tulare) dba Central Valley Water**  
**2194**                    **Company and City of Dinuba (Dinuba).**

This decision approves the sale to Dinuba of Tulare's adjacent small water system, known as Central Valley, or Tract 406. Dinuba will acquire a working well and other associated facilities "as is" for a nominal sum, will interconnect them with its municipal system in the future and will assume the responsibility to provide water service to the 91 customers that Central Valley serves at present. This proceeding is closed.

(Comr Kennedy - ALJ Vieth)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

**CA-37**                    **(ECP) C02-10-044 - Tex Ritter (Complainant) vs. Pacific Bell Telephone Company (SBC**  
**2195**                    **Pacific Bell).**

Complainant's request that SBC Pacific Bell assign him two specific telephone numbers is denied for the reason that the FCC has determined that telephone numbers are a public resource; therefore, neither the subscriber nor the utility has a proprietary interest in the numbers. However, SBC Pacific Bell is directed to provide Complainant with number referral service for 6-months, at no charge because of inconvenience caused to Complainant. This proceeding is closed.

(Comr Peevey - ALJ Patrick)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=141463](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141463)

**CA-38**                    **A01-03-011 - San Diego Metropolitan Transit Development Board (MTDB).**  
**2198**

This decision grants the application of MTDB to construct four at-grade crossings on two light rail vehicle tracks and to close one existing at-grade crossing at the San Ysidro Intermodal Transportation Center development in San Diego, San Diego County. This proceeding is closed.

(Exam Clark)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=146919](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=146919)

**CA-39  
2199**

**A02-12-038 - Ventura County Shuttle Inc. dba Venture County Airporter (Applicant).**

This decision authorizes the applicant to expand its zone of rate freedom for its passenger stage operations. This proceeding is closed.

(Exam Clark)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147732](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147732)

**CA-40  
2205**

**R01-08-027 - Order Instituting Rulemaking on the Commission's proposed policies and programs governing low-income assistance programs.**

This decision awards Latino Issues Forum/Greenlining \$37,972.43 in compensation for its contribution to D02-07-033.

(Comr Wood - ALJ Gottstein)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=137786](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=137786)

**Regular Agenda****Utility and Transportation Orders**  
**Orders Held Over**

- H-1  
1836**      **A00-05-032 - Pacific Gas and Electric Company (PG&E).**  
PG&E seeks authorization pursuant to Pub. Util. Code §§ 367(b) and 851, to market value by sale certain generation-related parcels of land in Rodeo, Martinez, and Antioch. The Commission concludes that the application is barred under § 377 and the application is dismissed without prejudice. This proceeding is closed.  
(Comr Lynch - ALJ Patrick)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
(Agenda 3110, Item CA-5 4/3/2003 (Staff); Agenda 3112, Item H-2 5/8/2003 (Kennedy))
- H-1a  
2203**      **ALTERNATE TO ITEM 1836**  
The Alternate Decision of Commissioner Kennedy differs from the Proposed Decision in that it concludes that Public Utilities Code Section 377 is not a bar to the application and approves the sale.  
(Comr Kennedy)
- H-2  
1838**      **A00-05-033 - Pacific Gas and Electric Company (PG&E).**  
PG&E seeks authorization pursuant to Pub. Util. Code §§ 367(b) and 851, to market value by sale a generation-related property at Bridgehead Road in Antioch. The Commission concludes that the application is barred under § 377 and the application is dismissed without prejudice. This proceeding is closed.  
(Comr Lynch - ALJ Patrick)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
(Agenda 3110, Item CA-6 4/3/2003 (Staff); Agenda 3112, Item H-3 5/8/2003 (Kennedy))
- H-2a  
2204**      **ALTERNATE TO ITEM 1838**  
The Alternate Decision of Commissioner Kennedy differs from the Proposed Decision in that it concludes that Public Utilities Code Section 377 is not a bar to the application and approves the sale.  
(Comr Kennedy)

**H-3  
1878****I00-11-001 - Order Instituting Investigation into implementation of Assembly Bill 970 regarding the identification of electric transmission and distribution constraints, actions to resolve those constraints, and related matters affecting the reliability of electric supply.**

A01-04-012 - Related matters. This decision considers the economic need of upgrades to Path 15, the major transmission interface between northern and southern California. Based on the record in this proceeding, the Commission finds that the proposed upgrades are not cost-effective to ratepayers. This evaluation considers the project on a "stand-alone" basis--i.e., without considering the participation of PG&E and other entities in the project. The Commission will be examining the proposed ratemaking treatment for project costs, as well as the allocation of project benefits and costs among project participants in further evidentiary hearings. The Commission will also consider at that time any updates to the estimated project costs. The Commission may revisit today's findings if that information changes the project economics significantly.

(Comr Lynch - ALJ Gottstein)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3112, Item 1 5/8/2003 (Peevey))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=148015](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148015)

**H-3a  
1879****ALTERNATE TO ITEM 1878**

A01-04-012 - Related matters. This alternate decision differs from the proposed decision of the administrative law judge in that it finds the proposed improvements to the Path 15 transmission system to be economic, and approves the construction of the Path 15 project.

(Comr Lynch)

(Agenda 3112, Item 1a 5/8/2003 (Peevey))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147984](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147984)

**H-3b  
2202****ALTERNATE TO ITEM 1878**

This alternate decision grants PG&E's motion to withdraw its Application 01-04-012. In addition, the alternate advises PG&E that if it performs work beyond the scope of the construction agreement under the Memorandum of Understanding, then PG&E should file an advice letter to inform the Commission of the change in scope and then possibly either an application for a permit to construct or an application for a CPCN if warranted. Finally, the alternate certifies the Final Supplemental Environmental Impact Report.

(Comr Peevey)

**H-4  
1969****A01-09-004 - Southern California Edison Company (SCE).**

This decision permits SCE to recover approximately \$20,000,000 in costs accruing prior to August 31, 2001, in four accounts. It finds that the release of claims by SCE in the Settlement Agreement between SCE and this Commission did not release the claims which are the subject of this decision. This proceeding is closed.

(Comr Brown - ALJ Barnett)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3112, Item 2 5/8/2003 (Lynch))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=148024](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148024)

**H-5  
1970****A02-06-024 - Verizon California Inc. (Verizon).**

This decision approves the arbitrated interconnection agreement (ICA) filed by Verizon and Pac-West Telecomm, Inc., under Rule 4.2 of the Commission's revised rules governing filings made pursuant to the Telecommunications Act of 1996, pursuant to Subsection 252(e) of the Act. The Commission finds that the ICA does not violate the requirements of Section 251 of that Act, the Federal Communications Commission's implementing regulations therefor, or the pricing standards set forth in Subsection 252(d) of the Act. This proceeding is closed.

(Comr Brown - ALJ Ryerson)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3110, Item 8 4/3/2003 (Brown); Agenda 3112, Item H-5 5/8/2003 (Peevey))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147483](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147483)

**H-5a  
1983****ALTERNATE TO ITEM 1970**

This decision approves with modification the arbitrated interconnection agreement filed by Verizon and Pac-West Telecomm. Issue number 3 of the Final Arbitrator's Report is modified to comport with prior Commission decision, such that transport charges are applicable to VNXX traffic terminating outside of the originating local calling area.

(Comr Brown)

(Agenda 3110, Item 8a 4/3/2003 (Brown); Agenda 3112, Item H-5a 5/8/2003 (Peevey))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143510](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143510)

**H-6  
2023****R01-10-024 - Order Instituting Rulemaking to establish policies and cost recovery mechanisms for generation procurement and renewable resource development.**

This draft decision grants in part Southern California Edison Company's (SCE) February 3, 2003 Petition for Modification of D02-12-074. In all other respects, SCE's petition is denied.

(Comr Peevey - ALJ Walwyn)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3111, Item 3 4/17/2003 (Peevey); Agenda 3112, Item H-6 5/8/2003 (Peevey))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147663](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147663)

**H-6a  
2057****ALTERNATE TO ITEM 2023**

This alternate order applies the disallowance cap to a different amount of procurement costs than the administrative law judge's draft decision.

(Comr Peevey)

(Agenda 3111, Item 3a 4/17/2003 (Peevey); Agenda 3112, Item H-6a 5/8/2003 (Peevey))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147650](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147650)

**H-7  
2032****A98-07-003 - Pacific Gas and Electric Company (PG&E).**

For verification, consolidation, and approval of costs and revenues in the Transition Revenue Account. This decision orders PG&E and Southern California Edison (SCE) to implement bottoms-up billing for Direct Access customers. The utilities bill only for distribution and transmission service. This decision finds reasonable the Direct Access credit method used by PG&E and SCE since the demise of the Power Exchange.

(Comr Wood - ALJ Barnett)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3112, Item 5 5/8/2003 (Kennedy))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=144022](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=144022)

**H-8  
2056****A02-05-004 - Southern California Edison Company (SCE).**

I02-06-002 - Related matters. This decision authorizes SCE to establish a memorandum account to track the base rate revenue requirement that it has requested in this application during the period between May 22, 2003 and the date a final decision on that request is adopted in this proceeding. SCE is also authorized to establish related rate recovery provisions.

(Comr Wood - ALJ Wetzell)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3112, Item CA-9 5/8/2003 (Brown))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147486](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147486)

**H-9  
2068****R02-06-001 - Order Instituting Rulemaking on policies and practices for advanced metering, demand response, and dynamic pricing.**

This decision addresses the interagency vision for advancing statewide demand response goals, links the task of meeting those goals with utility procurement requirements, and adopts an initial set of voluntary tariffs and programs for large customers whose electricity usage exceeds 200 kW per month. The decision also sets annual megawatt targets to be met through demand response and included in IOU procurement plans.

(Comr Peevey - ALJ Carew)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3112, Item 6 5/8/2003 (Lynch))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=145237](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=145237)

**H-9a  
2201****ALTERNATE TO ITEM 2068**

This alternate differs from the draft decision in that it maintains costs within customer classes, allows the utilities some discretion over using program targets for their long-term procurement plans, and sets programs milestones for existing programs before additional funding is authorized.

(Comr Lynch)



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**Orders****1 A02-09-006 - Wild Goose Storage, Inc. (Wild Goose).****2090**

This decision determines that the holding company merger involving Wild Goose's original parent has resulted in an indirect change of control over Wild Goose and approves the change of control nunc pro tunc but levies a penalty of \$51,500 for a continuing violation of Pub. Util. Code § 854(a). One half of the penalty (\$25,750) is suspended after considering mitigating factors. This proceeding is closed.

(Comr Lynch - ALJ Vieth)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=145232](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=145232)

**1a ALTERNATE TO ITEM 2090****2092**

This alternate decision determines that the holding company merger involving Wild Goose's original parent has resulted in an indirect change of control over Wild Goose and approves the change of control nunc pro tunc but levies a penalty of \$1,510,000 for a continuing violation of Pub. Util. Code § 854(a). This proceeding is closed.

(Comr Lynch)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=145393](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=145393)

**2 A01-03-008 - Pacific Gas and Electric Company (PG&E).****2104**

This decision grants in part the application of PG&E for approval of an irrevocable license for Metromedia Fiber Network Services, Inc. to use fiber optic cable on PG&E's facilities. This proceeding is closed.

(Comr Lynch - ALJ Thomas)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

**3 A02-05-033 - Suburban Water Systems (Suburban).****2121**

For authority to increase rates: In 2003 \$9,919,002, or 27.2% above the revenues generated by present rates, in 2004 \$1,447,692 or 3.1% above the revenue generated by the rates proposed for 2003, in 2005 \$1,597,008 or 3.3% above the 2004 revenue requirements. This decision resolves contested issues in the General Rate Case for Suburban. This proceeding is closed.

(Comr Peevey - ALJ Walker)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=145894](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=145894)

**3a (Rev.)  
2206****ORIGINAL ORDER ITEM 2121**

This Order reflects the original PD of the ALJ, with respect to Ordering Paragraph 2,. This differs from the ALJ's Revised Proposed Decision in that the authorized step increases become effective on January 1 of the applicable year, with Water Division approval of the change required before or after the rate change, subject to adjustments. The current revised ALJ proposed decision allows the rates to change only after Water Division staff approval. Other aspects of this Order have been revised consistent with the revised PD.

(Comr Peevey)

05/21/2003 - This revision was not shown on the Agenda mailed to the public.

**4  
2123****R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension of direct access pursuant to Assembly Bill 1X and Decision 01-09-060.**

This decision adopts policies and mechanisms to implement cost responsibility surcharges (CRS) applicable to "Municipal Departing Load" (MDL), within the service territories of Southern California Edison Company, Pacific Gas and Electric Company, and San Diego Gas & Electric Company, MDL refers to customer load that departs to be served by a "publicly owned utility," as defined in Pub. Util. Code Section 9604(d). The MDL CRS adopted by this decision is composed of 4 components associated with costs related to the Department of Water Resources' issuance of Bonds and power charges, as well as other costs.

(Comr Brown, Comr Wood - ALJ Pulsifer)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

**4a  
2124****ALTERNATE TO ITEM 2123**

This alternate determines that new municipal departing load associated with existing publicly-owned utilities are not subject to cost responsibility surcharges. New municipal departing load associated with new publicly-owned utilities are subject to cost responsibility surcharges.

(Comr Brown)

**5  
2125****A02-07-050 - SBC Pacific Bell Telephone Company.**

This decision dismisses the application without prejudice. The most appropriate use of the Commission's and parties' limited resources would be to focus on the numerous pending resource-intensive cases and anticipated priority proceedings and to defer devoting resources to this request to a later time. In addition, the FCC has a pending docket in which it is considering measures to increase competition for local directory assistance. This proceeding is closed.

(Comr Lynch - ALJ Bemesserfer)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=137106](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=137106)

**6  
2168**

**C98-08-040 - Donna Matthews (Complainant) vs. Meadows Management Company, James K. Krueger and Rondell B. Hanson, all dba Plantation on the Lake Mobilehome Park (Defendant)**

This decision grants defendant's motion to dismiss the complaint. Complainant has failed to bear her burden of proving that water rates for Plantation on the Lake Mobilehome Park are not just and reasonable. This proceeding is closed.

(Comr Lynch - ALJ Ryerson)

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

*Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143860](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143860)

**7 (Rev.)  
2200**

**P01-10-008, R\_\_\_\_\_ - AT&T Communications of California, Inc. (AT&T).**

This decision grants in part AT&T's petition for the Commission to review rates charged by Pacific Bell/SBC and Verizon for switched access services, and closes the Petition. The decision opens a rulemaking to consider these and related matters.

(Comr Lynch - ALJ Malcolm)

05/20/2003 - This revision was not shown on the Agenda mailed to the public.

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**Utilities Resolutions and Written Reports****Energy Matters**

- E-1  
1843**      **Res E-3711 - Pacific Gas and Electric Company (PG&E), Southern California Edison (Edison), Southwest Gas Corporation (SWG), and San Diego Gas & Electric (SDG&E).**  
PG&E requests authority to revise its electric and gas tariff to add language specifying payment options available to PG&E customers, including credit card payment and electronic billing and payments. Edison requests approval of a form by which customers may receive and pay their Edison bills electronically through the Internet. SWG requests authority to revise tariffs to allow electronic billing. SDG&E requests authority to add the definition of electronic billing to its rules, and to discontinue mailing a paper bill to customers enrolled in internet billing. The utilities' requests are approved, subject to compliance with certain consumer protection measures, and subject to certain modifications. (PG&E Advice Letter (AL) 2221-G/1982-E, filed March 21, 2000; Edison AL 1446-E, filed March 30, 2000; SWG AL 622, filed October 31, 2000; SDG&E AL 1229-E-A/1200-E-A, filed August 10, 2000)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
(Agenda 3110, Item E-4 4/3/2003 (Staff); Agenda 3111, Item E-4 4/17/2003 (Staff))  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=142093](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=142093)
- E-2  
1843**      **Res E-3817 - Sierra Pacific Power Company (Sierra).**  
This resolution approves with modifications Sierra's tariff revisions to reinstate an Energy Cost Adjustment Clause "Offset" Balancing Account Mechanism. (Advice Letter (AL) 294-E, filed January 8, 2003 and AL 294-E-A, filed February 6, 2003)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
(Agenda 3110, Item E-6 4/3/2003 (Staff); Agenda 3111, Item E-5 4/17/2003 (Lynch); Agenda 3112, Item E-4 5/8/2003 (Staff))  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143627](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143627)
- E-3  
1931**      **Res E-3822 - Pacific Gas and Electric Company (PG&E).**  
PG&E requests authority to revise tariffs and establish various balancing and memorandum accounts in compliance with D02-04-016, pertaining to Utility Retained Generation cost recovery in 2002 and withdraw certain previously filed advice letters. The request is approved with modifications. (Supplemental Advice Letter (AL) 2240-E-A, filed January 6, 2003, replacing AL 2240-E, filed May 6, 2001, in its entirety.)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
(Agenda 3111, Item E-8 4/17/2003 (Lynch); Agenda 3112, Item E-5 5/8/2003 (Lynch))  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=148536](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148536)

**E-4  
1955**

**Res G-3349**

On the Commission's own motion, this resolution rescinds Resolution G-3273 that granted Southern California Gas Company request to offer a Newspaper Subscription Service.

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

(Agenda 3111, Item E-11 4/17/2003 (Staff))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=148544](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148544)

**E-5  
2110**

**Res E-3813 - Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E).**

PG&E, SCE, and SDG&E filed tariffs to implement the Direct Access Cost Responsibility Surcharge effective January 1, 2003 in compliance with Ordering Paragraphs 10 and 11 of D02-12-045. (PG&E Advice Letter (AL) 2328-E, filed December 24, 2002, Supplemental ALs 2328-E-A/-E-B, filed January 13, 2003 and January 23, 2003; SCE AL 1674-E filed, December 24, 2002; and SDG&E AL 1461-E, filed December 26, 2002.)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=145921](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=145921)

**E-6  
2135**

**Res E-3828 - Southern California Edison Company (SCE).**

SCE requests approval of a Master Definitive Agreement among SCE, Enron Wind LLC, ESI Sky River Limited Partnership, ESI VG Limited Partnership, et al. and related amendments to power purchase agreements between SCE and certain small power production facilities (QFID Nos. 6004, 6039, 6040, 6041, 6042, 6043, 6044, 6065, 6066, 6067, 6102, 6103, 6104, 6105, 6106, 6107, 6108, 6111 and 6112) (Advice Letter 1686-E, filed February 14, 2003)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=146135](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=146135)

**E-7  
2185**

**Res E-3829 - Southern California Edison Company (SCE).**

SCE requests authorization to deviate from SCE Rule 9, Section B and SCE Rule 16, Section B.2 in order to install an additional billing meter at Golden Cheese Company of California (Golden). An additional billing meter will require an amendment to the Power Purchase Agreement and Incorporated Interconnection Facilities Agreement between SCE and Corona Energy Partners, Ltd., who is the co-generator serving Golden. Also, SCE's List of Contracts and Deviations will be modified to reflect the rule deviations listed above. Approved. (Advice Letter 1699, filed April 4, 2003)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=148422](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148422)

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**Telecommunications Matters****C-1                      Res T-16740****2064**

This resolution approves California Communications Access Foundation as the entity awarded the contract to operate and manage the Deaf and Disabled Telecommunications Equipment and Services Program. Further, this resolution directs the Commission Executive Director to request approval from the Department of General Services (DGS) a multi-year contract, execute all contract originals, and submit the contract to DGS for review and approval.

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

(Agenda 3112, Item C-2 5/8/2003 (Kennedy))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147214](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147214)

**C-2 (Rev.)            Res T-16746****2065**

This Resolution recommends a budget augmentation cap for the Deaf and Disabled Telecommunications Program for fiscal year 2002-2003 in the amount of \$16,956,350. These funds will 1) cover the necessary costs of transition-related events associated with the transition of the DDTP to comply with Public Utilities Code Sections 270.1, 278, 278.5 and 2881.4(b) and 2) provide financial and operational stability to the DDTP during the first quarter of the program transition (July 1 - September 30, 2003).

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

(Agenda 3112, Item C-3 5/8/2003 (Kennedy))

05/21/2003 - This revision was not shown on the Agenda mailed to the public.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147305](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147305)

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**Legislative Matters**

***Items Held Over***

**HLEG-1      AB 855 (Firebaugh and Levine)**

**1977**

Wireless telecommunications: access to state property.

(Agenda 3110, Item LEG-3 4/3/2003 (Staff); Agenda 3111, Item HLEG-1 4/17/2003 (Staff); Agenda 3112, Item HLEG-3 5/8/2003 (Staff))

**Items**

- |               |  |
|---------------|--|
| <b>LEG-1</b>  | <b>AB 583 (Leslie)</b>   |
| <b>2211</b>   | Generation facilities: regulation.   |
| <br>          |  |
| <b>LEG-2</b>  | <b>AB 808 (Canciamilla)</b>  |
| <b>2214</b>   | Energy: agency consolidation.  |
| <br>          |  |
| <b>LEG-3</b>  | <b>AB 1237 (Salinas)</b>   |
| <b>2216</b>   | Electrical corporations: nonprofit organization energy efficiency improvement program.         |
| <br>          |  |
| <b>LEG-4</b>  | <b>AB 1284 (Leslie)</b>  |
| <b>2217</b>   | Direct transactions: cost responsibility surcharges.   |
| <br>          |  |
| <b>LEG-5</b>  | <b>AB 1389 (Ridley-Thomas )</b>  |
| <b>2218</b>   | Public utilities: rights and obligations: hiring: purchase of goods and services.              |
| <br>          |  |
| <b>LEG-6</b>  | <b>AB 1685 (Leno)</b>  |
| <b>2219</b>   | Energy: self generation incentive program.   |
| <br>          |  |
| <b>LEG-7</b>  | <b>SB 107 (Bowen)</b>  |
| <b>2210</b>   | ISO: demand management: renewable, ultra-clean, low emission distributed generation resources. |
| <br>          |  |
| <b>LEG-8</b>  | <b>SB 429 (Morrow)</b>   |
| <b>2215</b>   | Public utilities: acquisition or control.  |
| <br>          |  |
| <b>LEG-9</b>  | <b>SB 659 (Soto)</b>   |
| <b>2212</b>   | Electrical corporations: rates.  |
| <br>          |  |
| <b>LEG-10</b> | <b>SB 770 (Chesbro)</b>  |
| <b>2213</b>   | Pacific Union College : electric service reliability.  |
| <br>          |  |
| <b>LEG-11</b> | <b>SCA 6 (Battin)</b>  |
| <b>2209</b>   | Public Utilities Commission: election.   |



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## **Commissioner's Reports**

**CR-1**            **Commissioners' Report**  
**2005**            Miscellaneous Commissioners' reports.

**CR-2**            **Commissioner Lynch Report**  
**2220**            Discussion of and possible action on ensuring information from Commission staff or consultants is provided to interested commissioner offices in a timely manner.

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## Management Reports and Resolutions

<b>M-1</b>	<b>Management Reports</b>
<b>2006</b>	Miscellaneous Management reports.

## Closed Session

*This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the*

### Non-Federal Items

#### Orders Held Over

- HEX-1  
2017**      **A01-01-021 - Conference with Legal Counsel - Application for Rehearing**  
Disposition of Application for Rehearing of D02-08-065, filed by the Southern California Generation Coalition. The Commission issued an interim opinion authorizing new rules for eligibility and conditions of core and wholesale gas service for the Southern California Gas Company and San Diego Gas & Electric Company.  
*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
(Agenda 3111, Item EX-5 4/17/2003 (Lynch); Agenda 3112, Item HEX-1 5/8/2003 (Lynch))
- HEX-2  
2030**      **I \_\_\_\_\_ - Conference with Legal Counsel – Initiation of Enforcement Proceeding**  
Deliberation on institution of proceeding or disciplinary actions against person or entities subject to Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced.)  
*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*  
*Gov. Code § 11126(d)(2), allows this item to be considered in Closed Session.*  
(Agenda 3111, Item EX-10 4/17/2003 (Staff))
- HEX-3  
2031**      **I \_\_\_\_\_ - Conference with Legal Counsel - Initiation of Enforcement Proceeding.**  
Deliberation on institution of proceeding or disciplinary actions against person or entities subject to Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced.)  
*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*  
*Gov. Code § 11126(d)(2), allows this item to be considered in Closed Session.*  
(Agenda 3111, Item EX-11 4/17/2003 (Staff); Agenda 3112, Item HEX-3 5/8/2003 (Staff))

**HEX-4  
2097****I \_\_\_\_\_ - Conference with Legal Counsel – Initiation of Enforcement Proceeding**

Deliberation on institution of proceeding or disciplinary actions against person or entities subject to Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced.)

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

*Gov. Code § 11126(d)(2), allows this item to be considered in Closed Session.*

(Agenda 3112, Item EX-5 5/8/2003 (Staff))

**HEX-5  
2128****R01-10-024 - Conference with Legal Counsel – Applications for Rehearing**

Disposition of applications for rehearing of D02-08-071 filed by Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (Edison). In D02-08-071, the Commission: (1) authorized PG&E and Edison to enter into interim contracts for procurement of capacity in participation with DWR; (2) adopted a procedural process to review and approve these interim contracts; and (3) established the requirements for procurement of renewable and QF power between the effective date of the D02-08-071 and January 1, 2003.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3112, Item EX-6 5/8/2003 (Staff))

**HEX-6  
2129****R01-10-024 - Conference with Legal Counsel – Application for rehearing**

Disposes of the applications by Southern California Edison (SCE), Pacific Gas & Electric (PG&E), San Diego Gas & Electric Co. (SDG&E), and Sempra Energy Resources for the rehearing of D02-09-053. The decision is an interim opinion in the Commission's rulemaking to establish ratemaking mechanisms and procedures that would enable the utilities to resume responsibility for procuring power for their retail customers. The decision allocates existing California Department of Water Resources long-term contracts to PG&E, SCE and SDG&E.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3112, Item EX-7 5/8/2003 (Staff))

**HEX-7  
2130****R01-10-024 - Conference with Legal Counsel – Applications for Rehearing**

Disposes of the applications by Pacific Gas & Electric (PG&E), and San Diego Gas & Electric Co. (SDG&E) for the rehearing of D02-12-069, which adopts the Operating Order under which PG&E, SDG&E, and SCE will perform the operational, dispatch, and administrative functions for the California Department of Water Resources' long-term power purchase contracts, as of January 1, 2003.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3112, Item EX-8 5/8/2003 (Staff))

**HEX-8  
2131****R01-10-024 - Conference with Legal Counsel – Applications for Rehearing**

Order disposing of applications for rehearing of D02-10-062 filed by Pacific Gas and Electric Company (PG&E), Southern California Edison Company (Edison), San Diego Gas and Electric Company (SDG&E), Sempra Energy Resources, and Cogeneration Association of California. D02-10-062 adopts a regulatory framework under which PG&E, Edison, and SDG&E were to resume full procurement responsibilities effective January 1, 2003.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3112, Item EX-9 5/8/2003 (Staff))

**HEX-9  
2132****R01-10-024 - Conference with Legal Counsel – Applications for Rehearing**

Order disposing of applications for rehearing of D02-12-074 filed by Pacific Gas and Electric Company (PG&E), Southern California Edison Company (Edison), San Diego Gas and Electric Company (SDG&E), and Sempra Energy Resources. D02-12-074 approved short-term procurement plans for PG&E, Edison, and SDG&E and modified the cost recovery mechanisms and standards of conduct adopted in D02-10-062.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3112, Item EX-10 5/8/2003 (Staff))

**HEX-10  
2150****A01-01-003 - Conference with Legal Counsel – Application for Rehearing**

Disposition of Application for Rehearing of D02-12-053, filed by Santa Clara Valley Transportation Authority (VTA). In January 2001, VTA filed an application for an at-grade crossing for a light rail transit line in the City of Campbell. VTA filed a motion to dismiss this application on the grounds that the Commission's jurisdiction over light rail crossings is limited to regulation of safety appliances and procedures and post-construction safety review, and does not include the location, construction, or separation of light rail crossings of roadways. The Commission denied VTA's motion to dismiss. On December 17, 2002, the Commission in D02-12-053 issued an order denying the application of VTA for an at-grade crossing at Hamilton Avenue in Campbell, County of Santa Clara. Moreover, the Commission found that it has jurisdiction to review and approve the construction and placement of VTA's light rail/street crossing.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3112, Item EX-13 5/8/2003 (Staff))

**Orders****EX-1                      Conference with Legal Counsel - Application for Rehearing****2007**

Compilation of applications for rehearing recently filed with the Commission.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.***EX-2                      Conference with Legal Counsel - Threatened Litigation****2008**

Significant exposure to litigation.

*Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session.***EX-3                      Conference with Legal Counsel - Initiation of Litigation****2009**

Consideration of possible Commission initiation of, or intervention in, litigation.

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.***EX-4                      Personnel Matters****2010**

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee, including the appointment or employment of a new General Counsel.

*Gov. Code § 11126(a), allows this item to be considered in Closed Session.***EX-5                      C02-06-020 - Conference with Legal Counsel – Application for Rehearing****2183**

Disposes of application for rehearing filed by complainant, Alex Gee of

D02-12-005 which dismissed his complaint against Southern California Edison Company for failure to state a cause of action upon which relief may be granted.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.**Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.***EX-6                      I99-09-001 - Conference with Legal Counsel - Application for Rehearing****2184**

Disposition of Application for Rehearing of D02-06-077 filed by Telmatch Telecommunications, Inc. (Telmatch). In D02-06-077, the Commission permanently revoked Telmatch's operating authority within the State of California. The Decision also found that Telmatch's consumer solicitation practices violated Public Utilities Code Sections 451 and 2890(a), and imposed \$1.74 million in fines and \$5.5 million in consumer reparations.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.**Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.***EX-7                      Case No. CGC-02-406939 - Conference with Legal Counsel – Existing Litigation****2221**

Long v. CPUC, Case No. CGC-02-406939 (San Francisco Superior Court)

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

**Federal Items*****Items Held Over*****HFEX-1      Case Nos. 01-17161, 01-17166, 01-17181 - Conference with Legal Counsel – Existing  
2098      Litigation**

Pacific Bell v. Pac-West, CPUC et al., U.S. Court of Appeals for the Ninth Circuit, Case Nos. 01-17161, 01-17166, 01-17181.

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

(Agenda 3112, Item FEX-6 5/8/2003 (Lynch))

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**Items**

- FEX-1  
2011**      **Conference with Legal Counsel - Initiation of Litigation**  
Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.  
*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*
- FEX-2  
2012**      **Case No. 01 30923 DM - Conference with Legal Counsel - Existing Litigation**  
Pacific Gas and Electric Company (Debtor), United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 01 30923 DM.  
*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*
- FEX-3  
2013**      **Case No. 01-56879, DC. No. CV-00-12056-RSWL - Conference with Counsel - Existing Litigation**  
Southern California Edison v. Lynch, et al., United States Court of Appeal for the Ninth Circuit, Case No. 01-56879, DC. No. CV-00-12056-RSWL.  
*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*
- FEX-4  
2014**      **Case No. C01-3023 VRW - Conference with Legal Counsel - Existing Litigation**  
Pacific Gas and Electric Company v. Lynch, et al., United States District Court for the Northern District of California, San Francisco Division, Case No. C01-3023 VRW.  
*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*
- FEX-5  
2015**      **FERC Docket No. RP00-241-006 - Conference with Legal Counsel – Existing Litigation**  
Public Utilities Commission of the State of California v. El Paso Natural Gas Company, et al,  
*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*
- FEX-6  
2196**      **D.C. Circuit Docket No. 02-1358 - Conference with Legal Counsel – Existing Litigation**  
California Public Utilities Commission v. FERC, D.C. Circuit Docket No. 02-1358  
*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*
- FEX-7  
2207**      **FERC Docket No. EL02-60-000 - Conference with Legal Counsel – Existing Litigation**  
Case Name Unspecified (Disclosure of case name would jeopardize existing settlement negotiations.)  
*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*